

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Craig Jermiah Marshburn

Docket No. 5:04-CR-137-1BO

Petition for Action on Supervised Release

COMES NOW Donald E. Hargrove, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Craig Jermiah Marshburn, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 31, 2005, to the custody of the Bureau of Prisons for a term of 68 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
2. The defendant shall provide the probation office with access to any requested financial information.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Craig Jermiah Marshburn was released from custody on December 28, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The court was previously notified via a Violation Report that Marshburn initially tested positive for cocaine use on April 30, 2010, which he acknowledged by signing an Admission of Drug Use form which resulted in the enhancement of his drug treatment program. On July 9, 2010, Marshburn submitted to a random drug screen that yielded a positive test result for cocaine. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of five days, as arranged by the U.S. Probation Officer, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the third use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Donald E. Hargrove
Donald E. Hargrove
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: (252) 237-0788
Executed On: July 29, 2010

ORDER OF COURT

Considered and ordered this 31 day of July, 2010, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge